IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY NINTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

-

WRIT PETITION NO : 19864 of 2004

Between:

A.Anvesh Rao S/o.Ravinder Rao
R/o.H.No.5-58/7/7, Prashanth Nagar Colony
Old Alwal, Secunderabad.

..... PETITIONER

AND

1 Osmania University, Hyderabad rep by its Registrar
2 The Controller of Examinations Osmania University, Hyderabad.
3 Wesley Boys Degree College, Opposite Anand Theatre
Secunderabad, rep. by its Secretary and Correspondent.
4 The Principal, Wesley Boys Degree College, Opposite Anand Theatre,
Secunderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ of Mandamus or any other appropriate writ, order or direction directing the Respondents herein to permit the petitioner herein to take the examination in Corporate Accounting in B.Com. Course Scheduled to be held on 1.11.2004 or any subsequent date.

Counsel for the Petitioner:MR.A.V.SESHA SAI

Counsel for the Respondent Nos.1 and 2: MR.DEEPAK BHATTACHARJEE

Counsel for the Respondent Nos.3 & 4: -------

The Court at the stage of admission made the following ORDER:

The petitioner, who failed in one subject in the annual examinations of B.Com final year, made an application to the third respondent college by paying necessary fees in order to forward the same to the University for the purpose of appearing for the supplementary examination. As the third respondent college has not forwarded the application to the University for process, the University could not issue hall-ticket to the petitioner enabling him to write the supplementary examination, which is scheduled to be held on 01-11-2004.

Learned counsel for the petitioner states that due to the mistake of the third respondent college, who had misplaced the application made by the petitioner, the petitioner cannot be made to suffer.

On the other hand, learned Standing Counsel for the University submits that there is no rule for acceptance of the petitioner's application after issuance of necessary hall-tickets and the application has to be processed where he has studied and therefore, the University is helpless in the matter.

Since the third respondent College has not forwarded the application of the petitioner to the University, the University cannot be faulted for not accepting the application.

In view of the same, the writ petition is dismissed. However, the petitioner is at liberty to proceed against the third respondent college claiming damages, if any.

No costs.

29th OCTOBER, 2004.

Kvni

To

1 The Registrar, Osmania University, Hyderabad.
2 The Controller of Examinations, Osmania University, Hyderabad.
3 Two CD copies.